

357.d.10
215

R.H. K Great Brit. - George II

23

[i]



26 Geo. II. c. 46.

A N

A C T

P O R

*Dividing and Inclosing the Common
called Felton - Common, in the
Parish of Felton, in the County of
Northumberland.*

Whereas there is a certain Common or Tract of Land, and Waste Ground, commonly called or known by the Name of *Felton - Common*; containing, by Estimation, One thousand Thirty-five Acres, situate and lying in the Parish of *Felton*, within the Manor of *Felton*, in the County of *Northumberland*, of which *Edward Horsley Widdrington*, Esquire, is Lord:

And whereas the said *Edward Horsley Widdrington*, and the several Freeholders, and Owners of Messuages, Farms, Lands, and Tenements, lying and being in the Parish of *Felton* aforesaid, and in the Township of *Newton on the Moor*, in the Parish of *Shilbottle*, in the said County, have, in respect

A

of,

of, or as appendant, appurtenant, or belonging, to their several Tenements or Farms, claimed and enjoyed, for Time immemorial, a Right, Liberty, or Privilege, to turn and depasture their commonable Cattle upon the said Common and Waste Ground:

And whereas the said *Edward Horsley Widdrington*, and all or the greatest Part of the Persons intitled to such Right of Common, as aforesaid, are willing and desirous, that the said Common, or Waste Ground, which in its present Condition and Situation is of very little Use or Service, may be cultivated and improved; and that the same may, for that Purpose, be inclosed and divided, and set out and allotted, unto and amongst the said Lord of the Manor of *Felton*, and the several Freeholders and Land-owners intitled to Common-right in the same, in such Shares, Proportions, and in Manner, as is herein after-mentioned:

But although such Inclosure and Division will be of publick Utility, and tend to the Improvement of the Estates and Properties of the several Persons interested and concerned in the same; *Yet* the same cannot be effected, to answer the Intention of the Parties, without the Aid and Authority of an Act of Parliament;

May it therefore please Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Common, or Tract of Land, called or known by the Name of *Felton-Common*, situate and lying in the said Parish of *Felton*, in the said County of *Northumberland*, shall, on or before the Twenty-ninth Day of September One thousand Seven hundred and Fifty-four, at the proper Costs and Charges of all Persons intitled to a Right of Common therein, be set out, divided, apportioned, and allotted, by *Alexander Brown*, of *Doxford*, in the County of *Northumberland*, Esquire; *Percival Horsley*, of *Cheesburn-Grange*, in the said County, Gentleman; *Samuel Marriott*, of *Morpeth*, in the same County, Gentleman; *Joseph Forster*, of *Newton by the Sea*, in the same County, Gentleman; *Thomas Forster*, of *Lucker*, in the same County, Gentleman; *Gilbert Park*, of *Warton*, in the same County, Gentleman; *Francis Forster*, of *Felton* aforesaid, Gentleman; *Edward Gallon*, of *Alnwick*, in the same County, Gentleman; and *Matthew Sibbitt*, of *Shoewood*, in the County of *Darham*, Gentleman; Commissioners appointed by this Act, and their Successors, or any Three or more of them, unto and amongst the Persons intitled to a Right of Common in the said Tract of Land, in proportion to the yearly Value of their respective Farmholds, Tenements, and Lands, lying within the said Parish of *Felton*, and Township of *Newton on the Moor*, as the same is stated and ascertained in a certain Book there, called *The Book of Rates*: And that each of

the

the said Persons, intitled as aforesaid, shall hold and enjoy his, her, and their Share and Part, so to be allotted, in Severalty, to and with his, her, and their said respective Farmholds, Tenements, and Lands, as Part of the same; and shall have the same Estate and Interest therein, as he, she, or they, now have, or at the time of such Allotment and Division shall have, in the Lands, Tenements, and Hereditaments, in respect whereof such Allotments and Partitions shall be made; and shall hedge, fence, and inclose the same, in such Manner and Proportions as the said Commissioners, or their Successors, or any Three or more of them, shall, at the making such Allotments, direct, appoint, and adjudge; and shall, from time to time, and at all times, keep the Fences so to be made in good Repair.

And be it Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Three or more of them, shall and may ascertain, set out, and appoint, the publick or private Highways or Roads, through the new Inclosures so to be made as aforesaid, with the Assizes and Breadth thereof; so as all publick high Roads so to be made, and set out, shall remain at least Twenty-seven Feet broad between the Ditches: And that it shall not be lawful for any Person or Persons hereafter to use any other Ways or Roads over the new Inclosures, either on Foot, or with any Horse, Cattle, or Carriages, other than such Highways and Roads as shall be so ascertained, set out, and appointed.

Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to impower the said Commissioners to give any undue Preference to any of the Parties in their respective Allotments or Shares of the said Common, or Tract of Land; and that the said Commissioners, in making their Allotments, shall have regard to the Goodness, as well as the Quantity, of the Lands so to be assigned and allotted to the Parties respectively.

And whereas it is requisite, that some convenient Time should be fixed for the Persons intitled to any Part or Share of the said intended new Inclosures to pay their respective Shares of the Expences and Charges attending the same; and also to accept of their respective Allotments and Shares, which shall be made by the said Commissioners appointed by this Act, in manner before-mentioned; **Be it Enacted**, by the Authority aforesaid, That all and every Person and Persons claiming, or any way intitled unto, any Allotment, Share, or Parcel, of the said intended new Inclosures, shall, and are hereby obliged to pay such Sum and Sums of Money, for his or her Share and Proportion of all such Charges and Expences, at such time and times, and in such manner, as the said Commissioners, or any Three or more of them, from time to time, as often as there shall be Occasion, shall, under their Hands, direct and appoint;

point; the said Charges and Expences to be settled and ascertained in proportion, and according to the Valuation in the said Book of Rates, of the several Estates of the Parties intitled to such Shares and Allotments respectively; and every of such Payments to be made to such Person and Persons, as the said Commissioners, or any Three or more of them, shall direct and appoint, within the Space of Fourteen Days next after Notice thereof affixed and placed upon the Door of the Parish-Church of *Felton* aforesaid, upon a *Sunday* immediately before Divine Service; and all and every the said Person and Persons are hereby obliged to accept and take his, her, or their Allotments and Shares, from and after the allotting, and making out, the several Apportionments and Shares, in Writing, under the Hands of the said Commissioners, or any Three or more of them; the said Payment to be made, and Acceptance declared, in Writing, and delivered to such Person or Persons, as the said Commissioners, and their Successors, or any Three or more of them, shall for that Purpose appoint, within the Space of Three Calendar Months next after Notice thereof shall be given, as aforesaid, and published in the *London Gazette*; and also in the Paper weekly published at *Newcastle upon Tyne*, commonly called the *Newcastle Journal*: And in case any of the Person or Persons, his, her, or their Heirs, Executors, or Administrators, neglect or refuse either to pay, as aforesaid, such Sums as shall be so appointed, or to accept his, her, or their Allotments and Shares of the said Common, or Tract of Land, within the Space of Three Months after such Notice given as aforesaid; such Person and Persons, his, her, or their Heirs, Executors, or Administrators, so neglecting or refusing to pay their Contributions so to be ascertained and appointed, or to accept his, her, or their Allotments or Shares of the said Common, or Tract of Land, shall be totally excluded, and are hereby excluded, from having or receiving any Benefit or Advantage by virtue of this present Act; and shall likewise be totally excluded from having any Estate, Interest, or Right of Common whatsoever, in any of the Lands allotted to any other Person or Persons whatsoever, by virtue of this Act.

Provided always, and it is hereby Enacted, by the Authority aforesaid, That the Executors, Guardians, Committeees, Husbands, or Trustees, of any Person or Persons under Age, or otherwise incapable, by Law, to accept of the Allotments to be made in pursuance of this Act, shall, and are hereby enabled and required to accept thereof for the Use of such Person or Persons; and such Acceptance shall be, and is hereby declared to be, as valid and effectual, as if the said Persons had been of Age, or capable of acting for themselves.

Provided also, and it is hereby Enacted, That any Non-claim or Non-acceptance of any Executor, Guardian, Committee, or Trustee, shall not exclude, or any way prejudice, the Claim or Acceptance of any Infant, when he or she shall attain the Age of One-and-twenty Years.

And,

And, for the more equal ascertaining the said Proportions and Shares each of the said Persons hath in the said Common to be inclosed, **It is hereby Enacted**, by the Authority aforesaid, That the said Commissioners, or their Successors, or any Three or more of them, are hereby authorized to settle and determine the same upon a Hearing of each Proprietor's respective Claim, as to the said Commissioners, or their Successors, or any Three or more of them, shall seem most just and meet; and that such Determination of the said Commissioners, or the Survivors of them, or any Three or more of them, shall be final: And that, when the said Commissioners shall have fully completed and finished the said Partitions and Allotments of the said Common or Tract of Land, they shall form and draw up an Award or Instrument thereof, in Writing, which shall express and contain a proper Description of the several Parcels of Land allotted to each of the Parties upon the said Inclosure, and the Situation and Boundaries of the same, and Orders and Directions for fencing the same, and making and laying out proper Roads, Ways, and Passages, in and through the same Premises; and such other Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein, according to the Purport and Tenour of this Act: And which said Instrument shall be fairly engrossed and written on Parchment, and shall be introlled in the High Court of Chancery, or by the Clerk of the Peace of the said County of Northumberland, at the proper Costs and Charges of the Owners and Proprietors of the said Common, or Tract of Land, rareably, according to the Book of Rates, as aforesaid: And a true Copy of such Introllment shall be allowed as Evidence in all Courts of Law and Equity.

And it is hereby Enacted and Declared, That, immediately after the Execution of the said Award or Instrument, all Right of Common whatsoever in, over, or upon, the several Parts or Parcels of Common or Waste-Ground hereby appointed to be divided, allotted, and inclosed, as aforesaid, shall cease, determine, and be extinguished.

And it is hereby further Enacted, by the Authority aforesaid, That, upon the Death of any of the said Commissioners, or of any new Commissioner to be appointed, as is hereafter mentioned, in their stead, the said surviving Commissioners, or the major Part of them, shall, from time to time, within One Month after the Death of each Commissioner and Commissioners, by Writing under their Hands and Seals, appoint One or more new Commissioner or Commissioners, not interested in the said Common, or Tract of Land, in the room and stead of every Commissioner or Commissioners dying, as aforesaid; which Commissioner or Commissioners, so to be appointed, shall have the like Power and Authority, by virtue of this Act, as the Commissioner or Commissioners, in whose place or places he or they shall succeed, were severally invested with, provided the surviving Commissioners, or the major Part of them, shall, from time to time, give pub-

lick Notice, in the Parish-Church of *Felton* aforesaid, of the Time and Place of every such Meeting for the Choice of any new Commissioner at least Fourteen Days before the same.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, or any Three or more of them, shall, and are hereby obliged to give Notice, in the said Parish-Church of *Felton*, upon some Sunday Morning immediately after Divine Service, and also publish in the *London Gazette*, and in the said Paper published weekly at *Newcastle upon Tyne*, commonly called *Newcastle Journal*, of the Time and Place of the First Meeting of the said Commissioners for the Execution of the Powers hereby vested in them, at least Thirty Days before the same; and shall and may then, and from time to time thereafter, appoint such Times and Places for their subsequent Meetings, or, in Default thereof, give Notice of such Meeting at the said Parish-Church of *Felton*, the Sunday before the same, in the manner above-mentioned.

And be it further Enacted, by the Authority aforesaid, That the Lands intended to be allotted and inclosed, as aforesaid, shall, after such Allotments thereof respectively, be held, and be enjoyed, by such Person and Persons respectively, and in such Course, Order, and Manner, and shall be subject to such Jointures, Dowers, Estates, Portions, Charges, and Incumbrances, respectively, as the Lands and Hereditaments, in respect whereof such Allotments shall be made, ought to have been held and enjoyed, and should have been subject to, in case this Act had not been made.

And be it further Enacted, by the Authority aforesaid, That this Act, and every Clause and Matter therein, shall, by all and every Judge and Judges, and other Person and Persons, be construed and adjudged as largely and beneficially, in all Courts of Law and Equity, and all other Places, as can be, for the Ends and Purposes herein above-mentioned.

Saving and Reserving always to the said *Edward Horley Widdrington*, Lord of the said Manor of *Felton*, his Heirs and Assigns, all and all manner of Mines, Collieries, and Quarries, opened and unopened, wrought and not wrought, within or under the said Tract of Land called *Felton-Common*, or any Part thereof, with the sole Right, Title, and Interest, in and to the same, together with full and free Liberty to search for, win, work, dig for, and get, take, and carry away, all the Coals, Limestones, Freestones, Slates, or other things, that shall be found in any of the Collieries, Mines, or Quarries, that are already, or shall hereafter be, discovered within the said Tract of Land called *Felton-Common*, together with all Way-leaves necessary for the Working, and full Enjoyment, of all such Mines, Collieries, and Quarries, and all Royalties over the same Tract of Land called *Felton-Common*, as fully, amply, and freely, as if this Act had never been made.

Saving

Saving also and Reserving to the said *Edward Horsley Widdrington*, his Heirs and Assigns, all the Houses, Drawkilns, and other Buildings, which are now erected upon any Part of the said Common called *Felton-Common*, with Liberty to burn Limestones into Lime, at all times, in the said Drawkilns.

And it is hereby further Enacted, That the said *Edward Horsley Widdrington*, his Heirs and Assigns, shall have full and free Liberty, at all times hereafter, as often as it shall be necessary or convenient for the better working any of the aforesaid Mines, Collieries, or Quarries, to build and erect, use and enjoy, as many Houses, Drawkilns, and other Edifices, upon any Part of the said Common, as they shall think fit, for the Purposes aforesaid.

Provided always, That if the said *Edward Horsley Widdrington*, his Heirs or Assigns, shall, at any time hereafter, open or work any new Mines, Collieries, or Quarries, in the said Common, or shall erect any new Building upon any Part thereof, he or they shall be liable to make a reasonable Satisfaction to the Owner or Owners of the Land wherein such Mines, Collieries, or Quarries, shall be opened or worked, or such Buildings shall be erected, for the Damage which he or they shall sustain by such Opening, Working, or Building ; and by the loading, taking, and carrying away, the Coals, Limestones, Freestones, Slates, or other Mines or Minerals, which shall or may be wrought or gotten forth or out of the same.

But it is hereby Declared, That the said *Edward Horsley Widdrington*, his Heirs or Assigns, shall not pay or make any Satisfaction to any Person whatsoever, for the working any Mines, Collieries, or Quarries, that have, at any time heretofore, been opened or wrought ; or for the loading or carrying away the Coals, Limestones, Freestones, Slates, or other Mines or Minerals, that shall or may wrought or gotten forth or out of the same ; or for any Houses, or other Buildings, which are now erected upon any Part of the said Common called *Felton-Common*.

Saving also to the KING's Most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than such Persons as are intitled to Right of Common in and upon *Felton-Common* aforesaid), All such Rights, Titles, Interests, Claims, and Demands whatsoever, as they, every or any of them, had, before the passing this Act, or could or might have had and enjoyed, in case this Act had not been made.

Comcast, the option to pull premium programming into Comcast's TV service, will be available to Comcast's 15 million

Upon the 1st of April, the first Convocation, as specially called by the Bishop, for the election of members, passed the following resolution:

A **F** **Dividing and Increasing
called Felton-Chesterfield
riff of Felton
Northumberland**

R
Using the Common
Common, in the Par-
in the County of

A C T

Dividing and Inclosing the Common called Felton-Common, in the Parish of Felton, in the County of Northumberland.